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Docket No.: 20239/0202616-US0  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Sadamu Ishidu et al.

Application No.: 10/539,926

Confirmation No.: 8405

Filed: June 14, 2005

Art Unit: 2811

For: SEMICONDUCTOR DEVICE

Examiner: Sara W. Crane

**RESPONSE TO RESTRICTION REQUIREMENT**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**INTRODUCTORY COMMENTS**

In the Office Action of September 14, 2006 regarding the above-referenced patent application, Applicants have been required to elect one of the following Species identified by the Examiner for further prosecution:

Species 1: Claims 8-18, directed to a device having a cavity formed in the upper surface of a substrate, with a semiconductor element mounted within the cavity;

Species 2: Claims 19-22, directed to a device having a metal layer formed on the upper surface of the substrate; and

Species 3: Claims 23-25, directed to a device having a H/Y ratio grater than or equal to 0.4.

In addition, the Examiner has identified claims 1 and 4-7 as generic. Applicants hereby provisionally elect Species I, which is encompassed by current claims 8-18. Applicants reserve the right, if claims 1 and 4-7 are finally held to be allowable, to amend one or more of the claims of unelected Species 2 and 3 to depend from one of the allowable generic claims, and to rejoin these amended claims for consideration by the Examiner in accordance with 37 C.F.R. 1.141. Applicants further hereby reserve the right to continue prosecution of one or more of the non-elected claims in a divisional application at a future time.

This provisional election of Species 1 is made with traverse. Applicants note that MPEP 37 C.F.R. 1.146 states the following:

In the first action on an application containing a generic claim to a generic invention (genus) and claims to more than one patentably distinct species embraced thereby, the examiner may require the applicant in the reply to that action to elect a species of his or her invention to which his or her claim will be restricted if no claim to the genus is found to be allowable. However, if such application contains claims directed to more than a reasonable number of species, the examiner may require restriction of the claims to not more than a reasonable number of species before taking further action in the application. (Emphasis added.)

Applicants submit that the present restriction requirement has been issued **after** the mailing of the first Office Action, which was mailed on April 6, 2006. Therefore, Applicants respectfully submit that the present restriction requirement is improper under the provisions of 37 C.F.R. 1.146 and request that the restriction requirement be reconsidered and withdrawn.

In view of the above amendment and remarks, Applicants believe the pending application is in condition for allowance. If there are any other issues remaining which the Examiner believes

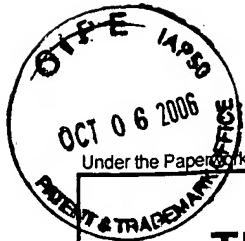
could be resolved through a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

Dated: October 6, 2006

Respectfully submitted,

By   
Thomas J. Bean

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10-10-06

10/28/11

PTO/SB/21 (09-06)

Approved for use through 03/31/2007. OMB 0651-0031

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## TRANSMITTAL FORM

*(to be used for all correspondence after initial filing)*

		Application Number	10/539,926-Conf. #8405
		Filing Date	June 14, 2005
		First Named Inventor	Sadamu Ishidu
		Art Unit	2811
		Examiner Name	S. W. Crane
Total Number of Pages in This Submission		Attorney Docket Number	20239/0202616-US0

### ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Certificate of Mailing Restriction Requirement Postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<input type="checkbox"/> Remarks	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	DARBY & DARBY P.C.		
Signature			
Printed name	Thomas J. Bean		
Date	October 6, 2006	Reg. No.	44,528



Application No. (if known): 10/539,926

Attorney Docket No.: 20239/0202616-US0

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on October 6, 2006  
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*Lillian Garcia*  
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Response to Restriction Requirement (with Traverse) (3 pages)  
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